



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



ISMAEL AHMED
DIRECTOR

February 26, 2009

The Honorable Bill Hardiman, Chair
Senate Appropriations Subcommittee on DHS
State Capitol
Lansing, Michigan 48933

The Honorable Dudley Spade, Chair
House Appropriations Subcommittee on DHS
State Capitol
Lansing, Michigan 48933

Dear Senator Hardiman and Representative Spade:

Section 731 of 2008 Public Act No. 248 (Enrolled House Bill No. 5814) requires the Department of Human Services to conduct a review of the security level structure currently used to classify youths served within the juvenile justice system and make recommendations for changes to the current structure to ensure that all youths in the system are provided services in the most appropriate setting for their needs. The findings of the review are attached.

If you have any questions, please contact John Evans, director, Bureau of Juvenile Justice, at 517-335-3489.

Sincerely,

Ismael Ahmed

Attachments (1)

cc: Senate and House Appropriations Subcommittees
Senate and House Fiscal Agencies
Senate and House Policy Offices
Senate Budget Director

Department of Human Services / Bureau of Juvenile Justice
Boilerplate Report Sec.731 – BJJ Security Level Structure

In fiscal year 2008, the Michigan Department of Human Services (DHS) established a small workgroup to review the current residential security levels to determine if there were opportunities for Michigan to receive additional federal Title IV-E reimbursement. This workgroup was comprised of staff from DHS, private residential providers contracted to serve juvenile justice youths from Highfields Inc., Lutheran Child and Family Services and Holy Cross Children's Services, the County of Wayne Department of Children and Family Services, and the Michigan Association of Counties.

The workgroup began with a review of applicable federal regulations that determine which programs/facilities are reimbursable for Title IV-E funding when the child or youth is Title IV-E eligible, and a review of the *Juvenile Justice Secure/Non-Secure* definitions that have been used in Michigan since October 2002. In October 2007, the workgroup contacted other states, including a visit to Ohio, to learn how they interpret and implement Title IV-E eligibility as it relates to residential placements. Several meetings and additional contacts were held over the next few months.

The workgroup found that states varied in their interpretation and practice as it related to Title IV-E for residential placement. The conclusion was that strict adherence to the federal regulations could allow Michigan to make additional Title IV-E claims for residential facilities. The workgroup determined that the multiple security levels were not only overly complicated, but unnecessary, and that the definitions and levels could be modified while still ensuring compliance with Title IV-E federal regulations.

The former *Juvenile Justice Secure/Non-Secure Definitions* document used the following security levels:

- **High Secure:** Programs for Class I and II adjudicated juvenile offenders – not Title IV-E reimbursable.
- **Closed Medium Secure:** Programs for Class I and II adjudicated juvenile offenders – not Title IV-E reimbursable.
- **Open Medium Secure:** Programs for Class I and II adjudicated juvenile offenders and Class III adjudicated juvenile offenders with a high risk for re-offending – not Title IV-E reimbursable.
- **Low Non Secure:** Class III adjudicated juvenile offenders with a moderate risk of re-offending or a Class IV or V adjudicated offender with a high risk for re-offending – Title IV-E reimbursable.
- **Non-rated for Security:** Title IV-E eligible programs for abuse and neglect programs.

Therefore, security levels were reduced from the five levels noted above, to the following two levels:

- **Secure** – Combines the prior High Secure and Medium Closed Secure levels into one level, referred to as Secure. Placement in a Secure program is not Title IV-E reimbursable.
- **Non Secure** – Any program meeting the definitions for non-secure will be eligible for Title IV-E reimbursement, assuming that the youth is also Title IV-E eligible.

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As a result of the changes in the security levels, each private residential provider was asked to declare their security level and update their treatment criteria. Thirty providers with DHS residential care contracts responded that their services were **non-Secure**; three responded as **Secure**.

Additionally, all state operated residential facilities are now classified as **Secure**.

There are currently the following bed capacities in each security level registered on the JJOLT system:

Public Secure200
Private Secure166

Public Non-Secure0
Private Non-Secure2,063

Actual populations within the residential system fluctuate daily. The department adheres strictly to the requirement to use available and appropriate private placement options prior to seeking a public bed placement. This can, of course, be affected by a court order directing a specific placement. As indicated by the above capacity count, all of the non-secure placement needs for juvenile justice youths are being met by the private sector. The private secure residential facilities are often at full capacity. The public secure facilities are not at full capacity, usually operating at 80 to 85 percent.